

Gouvernement du Québec

O.C. 946-2010, 10 November 2010

Professional Code
(R.S.Q., c. C-26)

Conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices — Withdrawal of psychoeducators

Withdrawal of psychoeducators from the Ordre professionnel des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec

WHEREAS, under the second paragraph of section 27.2 of the Professional Code (R.S.Q., c. C-26), the Government may, by order, after consultation with the Office des professions du Québec, the Québec Interprofessional Council and the order concerned as well as with the organizations, if any, which represent the group of persons concerned, integrate into an order referred to in Division III of Chapter IV of the Code a group of persons to whom it considers necessary, for the protection of the public, to grant a reserved title;

WHEREAS, under Order in Council 1037-2000 dated 30 August 2000, concerning the integration of psychoeducators into the Ordre professionnel des conseillers et conseillères d'orientation du Québec, psychoeducators were integrated into that Order;

WHEREAS, under section 27.3 of the Code, the Government may, by order, at any time before the day on which it ceases to have effect, amend the integration order made under section 27.2 and the latter section applies, adapted as required, to such order;

WHEREAS the Office, the Interprofessional Council and the Ordre professionnel des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec have been consulted;

WHEREAS, in accordance with the third paragraph of section 27.2 of the Code, a proposed order for the withdrawal of psychoeducators from the Ordre professionnel des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec was published by the Minister of Justice in Part 2 of the *Gazette officielle du Québec* of 7 July 2010, with a notice that the proposal would be considered by the Government upon the expiry of 60 days following such publication;

IT IS ORDERED, therefore, on the recommendation of the Minister of Justice:

THAT psychoeducators be withdrawn from the Ordre professionnel des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec, in accordance with the Schedule attached to this Order in Council;

THAT Order in Council 1037-2000 dated 30 August 2000, concerning the integration of psychoeducators into the Ordre professionnel des conseillers et conseillères d'orientation du Québec, cease to have effect;

THAT this Order in Council comes into force on December 8, 2010.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Withdrawal of psychoeducators from the Ordre professionnel des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec

Professional Code
(R.S.Q., c. C-26, ss. 27.2 and 27.3)

**DIVISION I
GENERAL**

1. Holders of a psychoeducator's permit are withdrawn from the Ordre professionnel des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec, now under the name of "Ordre professionnel des conseillers et conseillères d'orientation du Québec" or "Ordre des conseillers et conseillères d'orientation du Québec".

2. Guidance counsellors may engage in the following professional activities, in addition to those otherwise permitted by law: providing vocational and professional development counselling, in particular by evaluating a person's psychological functioning and personal resources, using psychometric testing when required, to assess interests, skills, personality and intellectual, cognitive and affective functions, intervening for the purpose of clarifying the person's identity in order to develop the person's ability to make career choices and meet career objectives.

3. The following titles are reserved for holders of a guidance counsellor's permit: "guidance counsellor" and "vocational guidance counsellor".

The following initials are reserved for guidance counsellors: “C.O.”, “C.O.P.”, “O.P.”, “G.C.” and “V.G.C.”.

4. The permit that may be issued by the Ordre professionnel des conseillers et conseillères d’orientation du Québec is the guidance counsellor’s permit.

DIVISION II TRANSITIONAL

5. On the date on which the withdrawal order comes into force, the board of directors of the Ordre professionnel des conseillers et conseillères d’orientation du Québec is composed of the president and the following 14 directors, for the following terms:

— the vice-president of the Ordre professionnel des conseillers et conseillères d’orientation et des psychoéducateurs et psychoéducatrices du Québec, holding a guidance counsellor’s permit, in office at the time of the withdrawal, who becomes the president of the Ordre professionnel des conseillers et conseillères d’orientation du Québec, for a term ending in 2013, on the date the president elected in 2013 takes office, as set by the regulation made pursuant to paragraph *b* of section 93 of the Professional Code (R.S.Q., c. C-26);

— 10 directors of the board of directors of the Ordre professionnel des conseillers et conseillères d’orientation et des psychoéducateurs et psychoéducatrices du Québec, holding a guidance counsellor’s permit, in office at the time of the withdrawal, namely:

— 1 director representing the regions of Bas-Saint-Laurent, Gaspésie—Îles-de-la-Madeleine, Saguenay—Lac-Saint-Jean and Côte-Nord;

— 2 directors representing the regions of La Capitale-Nationale and Chaudière-Appalaches;

— 1 director representing the regions of Mauricie and Centre-du-Québec;

— 2 directors representing the regions of Estrie and Montérégie;

— 2 directors representing the region of Montréal;

— 1 director representing the regions of Laval, Lanaudière and Laurentides;

— 1 director representing the regions of Outaouais, Abitibi-Témiscamingue and Nord-du-Québec;

The directors whose term with the Ordre professionnel des conseillers et conseillères d’orientation et des psychoéducateurs et psychoéducatrices du Québec ends first

are appointed to the board of directors of the Ordre professionnel des conseillers et conseillères d’orientation du Québec for a term ending in 2012 and the other directors are appointed for a term ending in 2013, on the date the directors elected in 2012 and 2013 respectively take office, as set by a regulation made pursuant to paragraph *b* of section 93 of the Professional Code;

— 1 new director chosen by an election by secret ballot of the members of the board of directors of the Ordre professionnel des conseillers et conseillères d’orientation du Québec, who is not appointed by the Office des professions du Québec, from among the holders of guidance counsellor’s permits of the Ordre professionnel des conseillers et conseillères d’orientation et des psychoéducateurs et psychoéducatrices du Québec who has, at the time of the withdrawal, their professional domicile in the regions of Saguenay—Lac-Saint-Jean and Côte-Nord;

— 2 of the 4 directors appointed by the Office des professions du Québec under section 78 of the Professional Code to the board of directors of the Ordre professionnel des conseillers et conseillères d’orientation et des psychoéducateurs et psychoéducatrices du Québec, in office at the time of the withdrawal and designated by the Office, including one for a term ending in 2012 and the other for a term ending in 2013, on the date the directors elected in 2012 and 2013 respectively take office, as set by the regulation made pursuant to paragraph *b* of section 93 of the Professional Code;

— 1 new director appointed by the Office des professions du Québec under section 78 of the Professional Code, for a term ending in 2012, on the date the directors elected in 2012 take office, as set by the regulation made pursuant to paragraph *b* of section 93 of the Professional Code.

6. On the date the withdrawal order comes into force, the assistant secretary of the Ordre professionnel des conseillers et conseillères d’orientation et des psychoéducateurs et psychoéducatrices du Québec becomes the secretary of the Ordre professionnel des conseillers et conseillères d’orientation du Québec, until re-appointment or replacement by the board of directors of that Order.

7. On the date the withdrawal order comes into force, one of the assistant syndics of the Ordre professionnel des conseillers et conseillères d’orientation et des psychoéducateurs et psychoéducatrices du Québec, holding the guidance counsellor’s permit designated by the Ordre professionnel des conseillers et conseillères d’orientation du Québec, becomes the syndic of the Ordre professionnel des conseillers et conseillères d’orientation du Québec for the remaining part of the syndic’s term, until re-appointment or replacement by the board of directors of that Order.

8. On the date the withdrawal order comes into force, the annual contribution fixed by the board of directors of the Ordre professionnel des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec for the fiscal year from 1 April 2011 to 31 March 2012 constitutes, until the end of that fiscal year, the annual contribution payable by members of the Ordre professionnel des conseillers et conseillères d'orientation du Québec.

9. On the date the withdrawal order comes into force, the following regulations apply to members of the Ordre professionnel des conseillers et conseillères d'orientation du Québec, with the necessary modifications:

(1) by replacing “Ordre professionnel des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec” by “Ordre professionnel des conseillers et conseillères d'orientation du Québec” and the words “Ordre des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec” by “Ordre des conseillers et conseillères d'orientation du Québec”, wherever they appear in the following regulations:

(a) Code of ethics of the members of the Ordre professionnel des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec, approved by Order in Council 384-2006 dated 10 May 2006;

(b) Regulation respecting the conciliation and arbitration procedure for the accounts of members of the Ordre des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec, approved by Order in Council 752-2005 dated 17 August 2005;

(c) Règlement sur le comité d'inspection professionnelle de l'Ordre des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec, approved by the Office des professions du Québec on 6 February 2002;

(d) Règlement sur les dossiers, les cabinets de consultation et autres bureaux et la cessation d'exercice des membres de l'Ordre des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec, approved by the Office des professions du Québec on 21 April 2004;

(e) Règlement sur les affaires du Conseil d'administration, le comité exécutif et les assemblées générales de l'Ordre des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec, filed with the Office des professions du Québec on 23 January 2003;

(f) Regulation respecting equivalence standards for the issue of permits by the Ordre des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec, approved by Order in Council 540-2005 dated 8 June 2005;

(g) Règlement sur l'assurance de la responsabilité professionnelle des membres de l'Ordre des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec, approved by the Office des professions du Québec on 19 December 2001;

(h) Règlement sur les stages et les cours de perfectionnement des membres de l'Ordre des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec, approved by the Office des professions du Québec on 24 August 2006;

(i) Regulation respecting the practice of members of the Ordre des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec within a partnership or a joint-stock company, approved by Order in Council 400-2008 dated 23 April 2008;

(j) Regulation respecting the committee on training of guidance counsellors and psychoeducators, made by Order in Council 128-2004 dated 18 February 2004;

(k) Regulation respecting the diplomas issued by designated educational institutions which give access to permits or specialist's certificates of professional orders, made by Order in Council 1139-83 dated 1 June 1983;

(l) the Regulation respecting family mediation, made by Order in Council 1686-93 dated 1 December 1993;

(2) in the Règlement sur le comité d'inspection professionnelle de l'Ordre des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec,

(a) by striking out “, soit celle du titulaire du permis de conseiller d'orientation et celle du titulaire du permis de psychoéducateur” in the first paragraph of section 1;

(b) by replacing “, pour le titulaire d'un permis de conseiller d'orientation, le matériel psychométrique et, pour le titulaire d'un permis de psychoéducateur, le matériel d'évaluation” in the second paragraph of section 1 by “le matériel psychométrique”;

(c) by replacing “dix” by “cinq” in section 2;

(3) in the Règlement sur les dossiers, les cabinets de consultation et autres bureaux et la cessation d'exercice des membres de l'Ordre des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéduca-

trices du Québec, by striking out “titulaire d’un permis de la même catégorie que le sien” in sections 16 and 22 and in the first paragraphs of sections 27 and 34;

(4) in the Règlement sur les affaires du Conseil d’administration, le comité exécutif et les assemblées générales de l’Ordre des conseillers et conseillères d’orientation et des psychoéducateurs et psychoéducatrices du Québec,

(a) by replacing “25” by “15” and “24” by “14” in section 1;

(b) by replacing “des deux professions” par “de la profession” in the first paragraph of section 15;

(c) by striking out “représentant le secteur d’activité professionnelle autre que celui du président et de deux conseillers représentant chacune des catégories de permis” in the first paragraph of section 18;

(d) by replacing “50” by “30” in section 28;

(5) in the Regulation respecting equivalence standards for the issue of permits by the Ordre des conseillers et conseillères d’orientation et des psychoéducateurs et psychoéducatrices du Québec,

(a) by striking out “or a psychoeducator’s permit” in the first paragraph of section 1 and the words “or psychoeducator’s permit” wherever they appear in the second paragraph;

(b) by striking out the heading of subdivisions 1 and 2 of Division II and section 3;

(c) by replacing “sections 2 and 3” in section 4 by “section 2”;

(d) by striking out “or in the profession of psychoeducator” in section 4;

(e) by striking out the heading of subdivision 1 of Division III;

(f) by striking out “or a psychoeducator’s permit”, “or psychoeducator”, “or the profession of psychoeducator” and “or a psychoeducator’s permit, as the case may be” in section 5;

(g) by striking out the heading of subdivision 2 of Division III and section 6;

(6) in the Règlement sur les stages et les cours de perfectionnement des membres de l’Ordre des conseillers et conseillères d’orientation et des psychoéducateurs et

psychoéducatrices du Québec, by striking out “ou de psychoéducateur” in paragraph 3 of section 1 and paragraph 1 of section 4;

(7) in the Regulation respecting the committee on training of guidance counsellors and psychoeducators,

(a) by striking out “and psychoeducators” in the title;

(b) by striking out the second and third paragraphs of section 1;

(c) by striking out “and psychoeducators” in the first paragraph of section 2 and by replacing “professions of guidance counsellor and psychoeducator” in the second paragraph by “profession of guidance counsellor”;

(d) by replacing “10” in the first paragraph of section 3 by “5”;

(e) by striking out “for each division” in the second, third and fourth paragraphs of section 3;

(f) by striking out “by division” in section 9;

(g) by striking out section 13;

(8) in the Regulation respecting the diplomas issued by designated educational institutions which give access to permits or specialist’s certificates of professional orders, by striking out “(1) a guidance counsellor’s permit:” in paragraph 1 of section 1.23, and paragraph 2 of that section.

Those regulations, with the above-mentioned modifications, cease to apply to members of the Ordre professionnel des conseillers et conseillères d’orientation du Québec on the date of coming into force of a regulation made by the board of directors of the Ordre professionnel des conseillers et conseillères d’orientation du Québec or by the Government, pursuant to the corresponding provisions of the Professional Code.

10. A person who, at the time the withdrawal order comes into force, holds a guidance counsellor’s permit of the Ordre professionnel des conseillers et conseillères d’orientation et des psychoéducateurs et psychoéducatrices du Québec becomes the holder of the permit of the Ordre professionnel des conseillers et conseillères d’orientation du Québec.